

(c) The issuance of a license to the applicant will not, in the opinion of the Commission, be inimical to the common defense and security or to the health and safety of the public.

(d) Any applicable requirements of subpart A of part 51 have been satisfied.

[21 FR 355, Jan. 19, 1956, as amended at 36 FR 12731, July 7, 1971; 49 FR 9404, Mar. 12, 1984; 49 FR 35753, Sept. 12, 1984]

§ 50.41 Additional standards for class 104 licenses.

In determining that a class 104 license will be issued to an applicant, the Commission will, in addition to applying the standards set forth in § 50.40 be guided by the following considerations:

(a) The Commission will permit the widest amount of effective medical therapy possible with the amount of special nuclear material available for such purposes.

(b) The Commission will permit the conduct of widespread and diverse research and development.

(c) An application for a class 104 operating license as to which a person who intervened or sought by timely written notice to the Commission to intervene in the construction permit proceeding for the facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination has requested an antitrust review under section 105 of the Act within 25 days after the date of publication in the FEDERAL REGISTER of notice of filing of the application for an operating license or December 19, 1970, whichever is later, is also subject to the provisions of § 50.42(b).

[21 FR 355, Jan. 19, 1956, as amended at 35 FR 19660, Dec. 29, 1970]

§ 50.42 Additional standards for class 103 licenses.

In determining whether a class 103 license will be issued to an applicant, the Commission will, in addition to applying the standards set forth in § 50.40, be guided by the following considerations:

(a) The proposed activities will serve a useful purpose proportionate to the

quantities of special nuclear material or source material to be utilized.

(b) Due account will be taken of the advice provided by the Attorney General, pursuant to subsection 105c of the Act, and to such evidence as may be provided during any proceedings in connection with the antitrust aspects of the application. For this purpose, the Commission will promptly transmit to the Attorney General a copy of the license application, and request such advice as the Attorney General determines to be appropriate in regard to the finding to be made by the Commission as to whether the proposed license would create or maintain a situation inconsistent with the antitrust laws, as specified in subsection 105a of the Act: *Provided*, That this requirement will not apply with respect to the types of class 103 licenses which the Commission, with the approval of the Attorney General, may determine would not significantly affect the applicant's activities under the antitrust laws: *And provided further*, That this requirement will not apply to an application for a license to operate a production or utilization facility for which a class 103 construction permit was issued unless the Commission, after consultation with the Attorney General, determines such review is advisable on the ground that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous review by the Attorney General and the Commission. Upon receipt of the Attorney General's advice, the Commission will cause such advice to be published in the FEDERAL REGISTER. After consideration of the antitrust aspects of the application, the Commission, if it finds that the license to be issued or continued, would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105a of the Act, will consider, in determining whether a license should be issued or continued, such other factors as the Commission in its judgment deems necessary to protect the public interest, including the need for power in the affected area.¹

¹As permitted by subsection 105c(8) of the Act, with respect to proceedings in which an application for a construction permit was